

**REMARKS**

Claims 1-18 are pending in the present application and subject to a restriction requirement. No new matter is inserted into the application.

The Examiner requires an election of groups in the present application between:

Group I, claims 1-12, drawn to a trap vector containing a lox P sequence composed of inverted repeat sequence 1, a spacer sequence and inverted repeat sequence 2, wherein the lox P is a mutant lox P, an embryonic stem cell comprising said trap vector and a method of gene trapping by introducing the trap vector into embryonic stem cells; and

Group II, claims 13-18, drawn to a transgenic or knockout animal into which the trap vector is introduced and method of making said transgenic or knockout animal.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-12.**

***Election of Species***

The Examiner also requires an election of species in the present application between:

Species (a) SP-SA-lox71-IRES-M-loxP-PV-SP

(b) SP-lox71-IRES-M-loxP-PV-SP

- (c) SA-lox71-IRES-M-loxP-PA-PV-SP
- (d) SA-lox71-IRES-M-loxP-puro-pA-PV-SP
- (e) lox71-M-loxP-pA-lox2272-PV-lox511
- (f) lox71-IRES-M-loxP-pA-lox2272-PV-lox511
- (g) (lox71-integrated SA)-M-loxP-pA-lox2272-PV-lox511
- (h) (lox71-integrated SA)-IRES-M-loxP-pA-lox2272-PV-lox511
- (i) (lox71-integrated SA)-M-loxP-pA-lox2272-promoter-M-lox511-SD

**For the purpose of examination of the present application, Applicants elect Species (g), drawn to a trap vector (lox71-integrated SA)-M-loxP-pA-lox2272-PV-lox511, with traverse. Claim(s) 7-8 and 11-18 are directed to the elected species. As acknowledged by the Examiner, at least claim(s) 1-6 and 9-10 are generic.**

The Examiner asserts that the species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features. Specifically, the Examiner asserts that the species lack unity of invention

because they do not share a significant structural element. Applicants respectfully disagree.

The significant structural element shared by the trap vectors of the present invention is the *loxP* sequence. The *loxP* sequence is described in detail on pages 11-12 of the specification. The present Inventors have provided a method in which to utilize the Cre-*loxP* system to introduce nucleotide sequences into a genome, without subsequent deletion thereof from the genome. Since all of the trap vectors disclosed in the specification have the same utility, unity of invention is present.

For this reason, the restriction of species is improper and should be withdrawn.

### **Conclusion**

If the Examiner has any questions regarding the above, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,


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